

**Upper Iowa University
Course Syllabus
PA 445 Administrative Law**

**LOCATION/
PROGRAM**

Upper Iowa University – Madison Center

**COURSE
IDENTIFICATION**

Administrative Law, PA 445, 3 credits

Areas explored include bureaucracy and the regulatory process; judicial review of administrative action; the Administrative Procedures Act of 1946; delegation, standing, exhaustion, sovereign immunity, rulemaking, tort liability, evidence, discretion, investigation and enforcement.

**TERM
INFORMATION**

Term 2 of the academic year, October 26 to December 19, 2009. This Tuesday evening class will commence on October 27 from 5:30 pm to 10 pm, and end on December 15. Sessions will be conducted October 27, November 3, 10, 17, and 24, and December 1, 8 and 15.

**INSTRUCTOR
INFORMATION**

Tony Veeder

W – 608-267-6717, F – 608-261-6376, H – 608-242-1600,

C – 608-576-5971 (**Please use the cell number only during the period immediately preceding class when I am in transit, as I only usually have it on when I am traveling on State business.**)

Email – (preferred) anthony.veeder@wisconsin.gov. (**Please put PA 445 in the subject line** as I average over 100 work emails a day.) The optional email is veedera@peacocks.uiu.edu

BIOGRAPHY

Tony has over 30 years experience in education and adult learning. He has a B.A. in Education and English Literature from Illinois College, Jacksonville, IL, with a minor in Pre-Law; and a Master's Degree in Public Administration from Golden Gate University, San Francisco, CA. He retired from the United States Navy as a Lieutenant Commander after almost 21 years of service, where he worked primarily in the areas of nuclear engineering, electronics, combat systems, operations, and training; was a commanding officer and executive officer; and was designated a Master Training Specialist. He has been a Training Supervisor with the Wisconsin Department of Workforce Development for the last 12 years, and conducts a variety of leadership and supervisory training for management staff and supervisors. Tony has been involved in administrative policy development and compliance, and complex decision-making in both the Navy and for the State of Wisconsin.

TEXT

Please bring the text to each class session.

Hall, Daniel E., 2009, Administrative Law: Bureaucracy in a Democracy, 4th Edition, Prentice Hall.

**COURSE
OBJECTIVES**

Upon completion of this course, students should be able to:

1. Recognize, describe, and explain how administrative law evolved, as well as how it is created, enforced, and reviewed.
2. Research and synthesize statutes, administrative regulations, and cases impacting the content and extent of regulatory control and analyze their impact on the operation of administrative agencies and the parties that are regulated.
3. Evaluate the role of agency and administrative discretion in the regulatory process.
4. Examine and assess the impact of due process, equal protection, and statutory requirements protecting the rights of those regulated on agency rulemaking and adjudicative processes.
5. Inventory the various economic, political, and social factors that impact the process of agency creation and rulemaking, as well as to appraise the impact of these factors on the creation and jurisdiction of agencies and the nature and coverage of regulations promulgated by agencies.
6. Research, summarize, and outline, in temporal order, the steps required by administrative procedure acts during promulgation of administrative regulations, as well as to apply these procedural steps to insure that regulations are legally compliant and not subject to direct or collateral attack.
7. Research, summarize, and outline the steps required by the U.S. Constitution and administrative procedure acts during the enforcement stage of administrative regulation, as well as to apply these procedural steps to insure that administrative enforcement actions are legally compliant.
8. Research, summarize, and outline, in temporal order, the steps required by Constitutional law, statutes, and administrative procedure acts during the adjudication stage, as well as apply these requirements to insure that administrative adjudications are legally compliant.
9. Research, summarize, and outline, in temporal order, the steps occurring during judicial review of agency actions, as well as read and synthesize case law that governs administrative agencies. Research, summarize, and outline, in temporal order, the actions required by freedom of information and open meetings acts during the day to day operation of administrative agencies, as well as to apply these requirements to insure that administrative actions are legally compliant.

READINGS AND ASSIGNMENTS

Session One, October 27: Preface, pgs. xiii-xv; 11Chapter 1, Introduction, pgs. 1-11; and Chapter 2, Bureaucracy and Democracy, pgs. 13-25;

Review Questions 1.-5., pg. 11, and 1-11, pg. 35.

Session Two, November 3: Appendix D, pgs. 413-421; Chapter 3, Agency Discretion, pgs. 37-51;

Review Questions 1.-7.; and CT&A Problems 1. and 2., pg. 51.

Session Three, November 10: Chapter 4, The Requirement of Fairness, pgs. 53-90, and Chapter 5, Delegation, pgs. 95-118;

Review Questions 1.- 10., pgs. 90-91, and 1.-5., pg. 119; and CT&A Problem 1, pg. 91.

Session Four, November 17: Chapter 6, Agency Rulemaking, pgs. 119-147;

Review Questions 1.-12., pg. 148.

Mid-term Examination Preparation Review, **Mid-Term Examination**

Session Five, November 24: Graded Mid-term Examination Review; Chapter 7, Agency Investigations and Information Collection, pgs. 151-180, and Chapter 8, Formal Adjudications, pgs.183-213;

Review Questions 1.-6., pg. 180, and 1.-10., pg 213; and CT&A Problems 1. and 2., pg. 214.

Session Six, December 1: Chapter 9, Accountability through Reviewability, pgs. 217-261 and Chapter 10, Accountability through Accessibility, pgs. 265-296;

Review Questions 1.-7., pg. 262, and 1.-5., pg. 296; and CT&A Problems 1. and 2., pg 262;

Session Seven, December 8:Chapter 11, Accountability through Liability, pgs.299-332;

Review Questions 1.-8., pg. 332;

Final Examination Preparation Review.

Session Eight, December 15: **Final Examination** , Course/Instructor Evaluations

WRITING CRITERIA

All Extended University students are expected to use the American Psychological Association (APA) style and format guide for written assignments. Any written assignment should reflect correct spelling and grammatical structure. In the upper right corner on all sheets put your name, course number and date, with page numbers listed in the center at the bottom of each page. Assignments do not have to be typed, but handwriting should be neat and readable (to me) as anything I can not read or decipher will not contribute to the grade for the assignment.

EXAMINATIONS, QUIZZES , AND PRESENTATIONS

There will be two examinations: a mid-term examination conducted during Session 4 (November 17), and a final examination during Session 8 (December 15). These may consist of multiple choice, short answer, matching and essay questions.

Quizzes may be conducted at any session, and will take the form of a short, written, closed- or open-book quiz with questions concerning reading assignments and homework, and/or being requested to demonstrate the ability to research, summarize, outline and answer questions about statutes, laws, regulations, procedures, acts, or processes that pertain to the course subject matter.

Presentations may consist of students being asked to summarize and explain to the class, or class groups, acts, statutes, laws, administrative procedures, or court decisions concerning material covered in this course. These assignments may be given on an impromptu basis, or assigned ahead of time for detailed preparation.

CITATION

Encyclopedias of any kind, including the very popular Wikipedia, are not primary sources and should not be cited or used in constructing academic papers at the graduate or undergraduate level. They can, however, be useful to help gather some background information and to point the way to more reliable sources.

SKILLS

- Provide the student with an understanding of the legal, economic, social and cultural dimensions of managing, planning, and decision-making in the public sector.
- Give the student an understanding of fundamental political and economic processes as they apply to public service professions.
- Exercise and improve written and oral communications abilities, analysis and summarization skills, and the understanding of laws, statutes, administrative policies and procedures, regulations, and court decisions as they apply to public agency and organization operations and requirements.

ATTENDANCE/ CLASS PARTICIPATION

Lateness to class or leaving early will affect the class participation portion of your grade as well as any absences. However, things do come up. Please notify the instructor if you are going to be late or absent, so that I can ensure you are aware of assignments and requirements if they change from this syllabus. I encourage class participation and feel strongly that you will learn as much or more from your classmates as from me, and will probably call on you if you are not participating as much as I would like. So throw out your ideas, best practices, lessons learned and theories for the good of all, including me, who also learns from every one of you.

**GRADING
CRITERIA**

The student's effort and performance versus a predetermined value for each of the grading criteria will be used to assess the final grade for the course. The breakdown of grading criteria is as follows:

Class Participation	20%
Homework assignments	15%
Quizzes	15%
Mid-term Examination	25%
Final Examination	25%

Grades will be assigned as follows:

A	=	93-100%
A-	=	90-92.9%
B+	=	87-89.9%
B	=	83-86.9%
B-	=	80-82.9%
C+	=	77-79.9%
C	=	73-76.9%
C-	=	70-72.9%
D+	=	67-69.9%
D	=	63-66.9%
D-	=	60-62.9%
F	=	Below 60%

EXTRA CREDIT

Extra credit will be considered for certain students and their situations. Decisions on this will be made by the instructor on a case-by-case basis.

**MISSED
ASSIGNMENTS
OR
EXAMINATIONS**

Assignment deadlines are essential in this fast-paced course, and every effort should be made to submit assignments on time, or in advance if a student needs to miss a session and knows beforehand. Late assignments will result in reduced credit if submitted by the next session. All assignments must be completed by the last session because of grading and grade submission deadlines. Unscheduled quizzes may be made up if the student has an excused absence, and arrangements are made with the instructor. Based on valid reasons, missed examinations can be taken by arrangement with the instructor, or using in-house testing proctored by the Center staff.

**CHEATING,
ACADEMIC
DISHONESTY AND
PLAGIARISM**

Because cheating, academic dishonesty and plagiarism are affronts to the University community as a whole and a denial of the offender's own integrity, they will not be tolerated. Cheating includes but is not limited to:

- the use of unauthorized books, notes or other sources in the giving or securing of help in an examination or other course assignments,
- the copying of other students' work or allowing others to copy your work,
- the submission of work that is not your own or allowing others to submit your work as theirs,
- the submission of the same work for two or more classes without the approval of any instructors involved.

Academic dishonesty includes, but is not limited to:

- sharing academic materials knowing they will be used inappropriately,
- having access to another person's work without permission,
- providing false or incomplete information on an academic document,
- changing student records without approval.

Plagiarism includes, but is not limited to:

- the presentation of another's published or unpublished work as one's own,
- taking words or ideas of another and either copying them or paraphrasing them without proper citation of the source,
- using charts, graphs, statistics or tables without proper citation.

Detected cheating, academic dishonesty, or plagiarism will result in consequences that may, at the instructor's discretion, include course failure. In addition, an offender may be reported to the Senior Vice President for the Extended University, the Dean of the Extended University, or designee for possible disciplinary action, which may include suspension or dismissal from the University. Upper Iowa University may make use of various plagiarism detection services. Individuals, by enrolling in courses offered by the University, consent to submission by the University of course-related assignments to such services and the retention of a copy of such assignments by the service.

**WITHDRAWAL,
ACADEMIC
POLICIES, CLASS
CONDUCT**

These will be handled in accordance with the U.S. Center Program Information and Extended University Rights, Rules and Regulations, as outlined in the 2009-2010 Upper Iowa University Extended University catalog.

NOTE: This syllabus is intended for planning purposes on the part of the students and the instructor, and as with any plan, is subject to change at the instructor's discretion.